

Appl. No. 10/824,118
Docket No. 9209M
Amdt. dated April 28, 2009
Reply to Office Action mailed on January 28, 2009
Customer No. 27752

REMARKS

Claim Status

Rejected Claims 1-6, 12-16, and 18-23 are currently canceled. Claims 7-11, 17, and 24 were previously canceled. Claims 25-36 are new. Support for the new claims is found in the claims as originally filed, as well as page 3 of the original specification. No additional claims fee is believed to be due.

Rejection Under 35 USC §112, First Paragraph

Claims 1-6, 12-16, 22, and 23 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is moot in light of the cancelation of the rejected claims.

Rejection Under 35 USC §103(a) Over Drechsler in view of Gawtrey

Claims 1-6, 12-16, 22, and 23 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Drechsler *et al.*, U.S. Pat. No. 6,139,823 (hereinafter “Drechsler”) in view of Gawtrey, U.S. Pat. App. Pub. No. 2003/0157049 (hereinafter “Gawtrey”). Applicants respectfully submit that this rejection is rendered moot by the cancelation of Claims 1-6, 12-16, 22, and 23.

Drechsler, in view of Gawtrey, does not teach or suggest all of the limitations of new Claims 25-36. The Drechsler-Gawtrey combination does not teach or suggest a cosmetic composition comprising the aminosilicone, organosiloxane resin, and diorganopolysiloxane polymer which Applicants claim. Applicants’ composition requires both diorganopolysiloxane and aminosilicones—resulting in a blend of two differently functionalized silicones—whereas the Drechsler-Gawtrey does not teach or suggest the two components together. Further, Applicants describe and claim a specific aminosilicone. The structure of the “particular aminosilicone” (*see* Gawtrey title) disclosed in Gawtrey is different than that Applicants claim (*see* new Claim 25; specification page 3).

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In view of the foregoing, Applicants respectfully submit that new Claims 25-36 are patentably distinct from the combined disclosures of Drechsler and Gawtrey. Reconsideration and withdrawal of the Section 103 rejection of record is requested.

Conclusion

Applicants have made an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, Applicants respectfully request entry of the amendments presented herein, reconsideration of this application, and allowance of the pending claims.

Respectfully submitted,

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